

REMARKS

Claims 1-39 and 43-45 are pending after amendment, with claims 1, 12, 28, 39 and 43 being independent. Claims 1-9 and 11-39 have been amended. Claims 40-42 have been cancelled. Claims 43-45 have been added. No new matter has been added.

Applicant Initiated Interview Summary

Applicant thanks Examiner Hess for conducting the interviews with Applicant's representatives Bing Ai and Hwa Lee on February 9th and 15 of 2007. The claim rejections based on the cited prior art, Rollhaus (U.S. Patent No.6,011,722), Dailey (U.S. Patent No. 6,228,440) and Lawandy (U.S. Patent No. 6,531,262) were discussed. An agreement was reached that the Examiner will withdraw the restriction requirement and rejoin all of the pending claims together. In addition, an agreement was reached that currently presented claims 1-39 as amended are allowable over the cited prior art. No agreement was reached with respect to new claims 43-45.

Restriction Requirement

An agreement was reached during the above mentioned interview that the restriction requirement will be withdrawn and all pending claims rejoined.

Rejections Under 35 U.S.C. § 112, 2nd ¶

Claim 7 stand rejected under 35 U.S.C. § 112, 2nd ¶ for allegedly being indefinite. Claim 7 has been amended to obviate the rejection.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-6, 8, 10, 11 and 39 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Rollhaus.

Claims 1-6, 8-11 and 39 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Dailey.

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Lawandy.

Claims 28-38 stand rejected as allegedly being unpatentable over any of Rollhaus, Dailey or Lawandy.

These rejections, however, have been obviated because the above identified claims as amended are distinctly patentable over the prior art on record.

Claim 1 and its dependent claims

Rollhaus fails to teach or suggest each and every feature of claim 1. In particular, Rollhaus fails to teach or suggest the following features of claim 1: “medium comprising a main data storage area configured to store main data and a data usage agreement; and a modifiable structure separate from the main storage area configured to be altered in a controlled and verifiable manner by an external influence, wherein the alteration is detectable by said designated data rendering system, and said alteration permanently corrupting at least part of the stored data to enforce at least one restrictive covenant of the data usage agreement, and wherein the stored main data is not accessible by the designated data rendering system until the modifiable structure is altered.” (Emphasis added.)

Rollhaus teaches that “[a] first type of reading-inhibit agent disrupts the reflectivity of the reflective layer in optically read discs to such an extent that the encoded data is rendered unusable.” (Rollhaus at col. 3, ll. 26-28.) Thus, the main data in Rollhaus is rendered inaccessible by the alteration. In stark contrast, claim 1 recites that the stored main data is not accessible by the designated data rendering system until the modifiable structure is altered.

For at least this reason, claim 1 is allowable over Rollhaus. Claims 2-11 depend from claim 1 and are allowable over Rollhaus for at least the same reasons.

Similar to Rollhaus, Dailey fails to teach each and every feature of claim 1. Dailey teaches that “[d]uring operation of media disc 10 having data recorded thereon, in a first example, dye material 15 is decayable after a predetermined period of time.” (Dailey at col. 4, ll. 8-10.) Thus, the media disc in Dailey is readable initially, but after a period of time has passed,

the data is inaccessible due to the decay of the media. (*See*, Dailey at col. 4, ll. 11-19.) This is in direct contrast to claim 1, where the stored main data is not accessible by the designated data rendering system until the modifiable structure is altered.

For at least this reason, claim 1 is allowable over Dailey. Claims 2-11 depend from claim 1 and are allowable over Dailey for at least the same reasons.

Similar to Rollhaus and Dailey, Lawandy fails to teach or suggest each and every feature of claim 1. Lawandy teaches using "color changing layer 302" to render an optical disc unreadable after a period of time due to an increase in light absorbance of the color changing layer. (*See*, Lawandy at col. 10, l. 35 – col. 11, l. 3; col. 11, ll. 33-36; col. 11, l. 41 – col. 12, l. 58.) Similar to Rollhaus and Dailey, the optical disc in Lawandy is initially readable but becomes inaccessible over time.

For at least this reason, claim 1 is allowable over Dailey. Claims 2-11 depend from claim 1 and are allowable over Dailey for at least the same reasons.

Claim 12 and its dependent claims

Claim 12 is allowable over Rollhaus, Dailey and Lawandy for at least reasons similar to claim 1 above. In particular, each of Rollhaus, Dailey and Lawandy fails to teach or suggest the following features of claim 12: "data rendering system for rendering content delivered on data storage medium having a main data storage area and a modifiable structure separate from the main storage area enabled for controlled and verifiable alteration by an external influence in a manner detectable by said system, the system comprising: a reader that reads data stored in said data storage medium, the stored data including main data and a data usage agreement associated with the main data; a memory cell that stores access data designated to be permanently corrupted as a result of said medium alteration; an alteration detector that determines whether said data storage medium has been altered, wherein the determined alteration of the data storage medium

renders access data previously stored in the data storage medium inaccessible by the system; and a logic unit programmed to deny access to the stored main data upon detecting at least one event out of a plurality of events comprising: an alteration of said medium has not been confirmed by said alteration detector, access data permanently corrupted as a result of controlled and verifiable medium alteration is not present in said memory cell, and at least one restrictive covenant of said content usage agreement is not satisfied.” (Emphasis added.)

Claims 13-27 depend from claim 12 and are allowable over Rollhaus, Dailey and Lawandy for at least reasons similar to claim 12.

Claim 28 and its dependent claims

Claim 28 is allowable over Rollhaus, Dailey and Lawandy for at least reasons similar to claim 1. In particular, each of Rollhaus, Dailey and Lawandy fails to teach or suggest the following features of claim 28: “A method to distribute content stored on a removable data storage medium enabled for controlled and verifiable alteration by an external influence in a manner detectable by said method comprising delivering a medium storing content associated with access data to the data rendering system; storing at least part of the access data in said system; altering said medium to render at least part of the access data unreadable, wherein at least a portion of the content is inaccessible before said alteration; testing said medium for said alteration; and retrieving at least part of the content from said medium using the access data stored in said system.” (Emphasis added.)

Claims 29-38 depend from claim 28 and are allowable over Rollhaus, Dailey and Lawandy for at least the same reasons.

Claim 39

Claim 39 is allowable over Rollhaus, Dailey and Lawandy for at least reasons similar to claim 1. In particular, each of Rollhaus, Dailey and Lawandy fails to teach or suggest the following claimed features of claim 39: “optically readable data storage medium comprising at least one structural weakness for irreversible alteration by an external mechanical force in a manner detectable by a designated data rendering system, said alteration permanently corrupting at least part of data stored in the medium with a purpose of enforcing a data usage agreement wherein at least part of the stored data is not accessible by the designated data rendering system until the alteration is detected.” (Emphasis added.)

Claim 43 and its dependent claims

Rollhaus, Dailey and Lawandy, both independently and in combination, fail to teach or suggest each and every feature of claim 43. In particular, Rollhaus, Dailey and Lawandy, both independently and in combination, fail to teach or suggest the following features of claim 43: “data storage medium comprising: a main data storage area configured to store main data; and an alterable structure separate from the main data storage area and configured to store access data separate from the main data that is used to access the main data, wherein alteration of the alterable structure renders the access data inaccessible and the main data accessible.” (Emphasis added.)

As described above, Rollhaus, Dailey and Lawandy are all directed to a process of altering an optical disc to render the stored main data inaccessible after the alteration. In stark contrast, claim 43 recites that the main data is rendered accessible due to the “alteration of the alterable structure.” Also, none of the cited references teaches or suggests that the disc is configured to store “access data” as recited in claim 43. Further, since Rollhaus, Dailey and Lawandy fail to teach or suggest the access data, they also fail to teach or suggest altering the disc to render the access data inaccessible.

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For at least these reasons, claim 43 is allowable over Rollhaus, Dailey and Lawandy.
Claims 44-45 depend from claim 43 and are allowable over Rollhaus, Dailey and Lawandy for at least the same reasons.

CONCLUSION

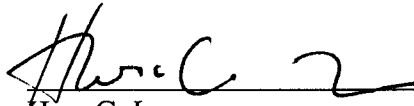
It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

All pending claims are in condition for allowance, and a notice to that effect is respectfully solicited.

No fees are believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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